

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

REMARKS/ARGUMENTS

Claims 8-10, 12, 14-15, 41-44, 52-53, 56-57, 59, 62-64, 67-73, 75, 77-83, 85-86, 88-89, 91-92, and 94-98 are pending in this application. By this Amendment, claims 8, 53, 71, 75, 83, 86, and 89 are amended, and claims 13, 60-61, 66, 74, 76, 84, 87, and 90 are canceled without prejudice or disclaimer. Support for the claims can be found throughout the specification, including the original claims, and the drawings. The Examiner is thanked for the courtesies extended to Applicant's representative in the telephone conference conducted May 17, 2005. The substance of this telephone conference is reflected in the above amendments and the following remarks. Withdrawal of the rejections and swift allowance in view of the above amendments and the following remarks are respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

I. Allowable Subject Matter

The Examiner is thanked for the indication that claims 63-64, 67-70, 85, and 88 are allowed, and that claims 13-15, 42, 44, 56, 61, 66, 72, 75-76, 78, 80-82, 84, 87, 90-91, and 93

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed during the telephone conference, the subject matter of allowable claims 13, 61, 76, 84, 87, and 90, as well as intervening claims 60 and 74 where appropriate, has been incorporated into independent claims 8, 53, 71, 83, 86, and 89, respectively. Accordingly, independent claims 8, 53, 71, 83, 86, and 89, as well as all of the claims which depend respectively therefrom, should be in condition for allowance. Thus, for the reasons set forth below, claims 14-15, 42, 44, 56, 72, 75, 78, 80-82, 91, and 93 have not been written in independent form at this time.

As discussed during the telephone conference, objected to claims 80 and 82 are already in independent form, and thus, independent claims 80 and 82, as well as objected to claim 81, which depends from independent claim 80, and claims 96-97, which depend respectively from claims 80 and 82, should already be in condition for allowance.

Further, as discussed during the telephone conference, it is noted that the subject matter of allowed claim 93 was incorporated into independent claim 92, and claim 93 was canceled in the Amendment filed October 19, 2004. Thus, independent claim 92, as well as claim 94, which depends therefrom, should already be in condition for allowance.

Additionally, as discussed during the telephone conference, it is noted that claims 95-98, which were added in the October 19, 2004 Amendment, are not rejected over art. Therefore, it is assumed for purposes of this Reply that claims 95-98 are also in condition for allowance.

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

II. Informalities

The Office Action objects to claim 66 under 37 CFR 1.75(c). Claim 66 is canceled, and thus the objection is moot.

III. Rejections under 35 U.S.C. §103(a)

A. Schulman

The Office Action rejects claim 86 under 35 U.S.C. §103(a) over U.S. Patent No. 5,531,679 to Schulman et al. (hereinafter “Schulman”). The rejection is respectfully traversed.

As set forth above and discussed during the telephone conference, the subject matter of allowable claim 87 has been incorporated into independent claim 86. Accordingly, it is respectfully submitted that independent claim 86 is allowable over Schulman, and thus the rejection of independent claim 86 under 35 U.S.C. §103(a) over Schulman should be withdrawn.

B. Kaplan

The Office Action rejects claims 8, 12, 41, 52-53, 57, 62, 71, 73, 77, 79, 92, and 94 under 35 U.S.C. §103(a) over U.S. Patent No. 5,772,629 to Kaplan et al. (hereinafter “Kaplan”). The rejection is respectfully traversed.

As set forth above and discussed during the telephone conference, the subject matter of allowable claim 93 was incorporated into independent claim 92, and claim 93 was canceled in the

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

Amendment filed October 19, 2004. Thus, independent claim 92, as well as claim 94, which depends therefrom, should already be in condition for allowance.

Further, as set forth above and discussed during the telephone conference, the subject matter of allowable claims 13, 61, and 76, as well as intervening claims 60 and 74 where appropriate, has been incorporated into independent claims 8, 53, and 71, respectively. Accordingly, it is respectfully submitted that independent claims 8, 53, and 71 are allowable over Kaplan, and thus the rejection of claims 8, 53, and 71 under 35 U.S.C. §103(a) over Kaplan should be withdrawn. Rejected dependent claims 12, 41, 52, 57, 62, 73, 77, and 79, as well as objected to claims 14-15, 42, 56, 72, 75, and 78, are allowable at least for the reasons set forth above with respect to independent claims 8, 53, and 71, from which they respectively depend, as well as for their added features.

C. Kaplan and Scheinman

The Office Action rejects claims 9-10, 43, 59-60, 74, 83, and 89 under 35 U.S.C. §103(a) over Kaplan in view of U.S. Patent No. 5,429,131 to Scheinman et al. (hereinafter “Scheinman”). Claims 60 and 74 are canceled. The rejection, in so far as it applies to the remaining claims, is respectfully traversed.

Dependent claims 9-10, 43, and 59 are allowable over Kaplan at least for the reasons set forth above with respect to independent claims 8, 53, and 71, from which they respectively depend, as well as for their added features. Further, Scheinman is merely cited to teach sensing

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

electrodes, and thus fails to overcome the deficiencies of Kaplan. Accordingly, it is respectfully submitted that claims 9-10, 43, and 59, as well as objected to claim 44, which depends from claim 43, are allowable over the applied combination, and thus the rejection should be withdrawn.

Further, as set forth above and discussed during the telephone conference, the subject matter of allowable claims 84 and 90 has been incorporated into independent claims 83 and 89, respectively. Accordingly, it is respectfully submitted that independent claims 83 and 89 are allowable over the applied combination, and thus the rejection should be withdrawn. Dependent claims 91 and 98 are allowable at least for the reasons set forth above with respect to independent claims 83 and 89, from which the respectively depend, as well as for their added features.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

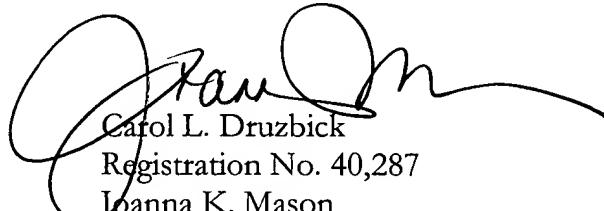
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. 09/661,153
Amendment dated June 13, 2005
Reply to Office Action of January 13, 2005

Docket No. UIOWA-0008P4D1

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and
please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carol L. Druzbick
Registration No. 40,287
Joanna K. Mason
Registration No. 56,408

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 MLF/CLD/JKM:rc
Date: June 13, 2005

Q:\Documents\2043-025\65514.doc

Please direct all correspondence to Customer Number 34610